

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THERESA SMITH,)	
)	Case No. 8:06CV698
Plaintiff,)	
)	
v.)	
)	ORDER
SOCIAL SECURITY ADMINISTRATION,)	
)	
Defendant.)	

This matter is before the court on Theresa Smith's ("plaintiff") motion for attorney fees, Filing No. 23, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (2006). Pursuant to sentence four of 42 U.S.C. § 405(g), the court entered an order and judgment reversing the Administrative Law Judge and awarding the plaintiff Social Security benefits. Filing No. 21 and 22. Thereafter, plaintiff filed this motion for attorney fees with accompanying exhibits. Filing No. 23. Plaintiff requests compensation for 30.1 hours of attorney time, for a total of \$4,928.87. Defendant concedes that this is a case in which an award of fees is justified and defendant does not object to the amount of fees requested.

The court concludes that plaintiff is a "prevailing party" who is entitled to a reasonable attorney fee award. The court has conducted an independent evaluation of the statement for professional services by considering the hourly rate charged by the attorney and has analyzed the number of hours expended on the case and the type of work performed and has determined that 30.1 hours of attorney time for this case is reasonable. *See Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983).

The court has carefully reviewed the record and, in particular, the itemized amounts set forth in Exhibit 1, Timothy J. Cuddigan Declaration. See Filing No. 27. The court concludes the amount of \$4,928.87 is a reasonable attorney fee in this matter.

THEREFORE, IT IS ORDERED that plaintiff's motion for attorney fees, Filing No. 23, is granted. Plaintiff is awarded attorney fees in the amount of \$4,928.87.

DATED this 3rd day of January, 2008.

BY THE COURT:

s/Joseph F. Bataillon
Chief United States District Judge